Melissa L. Garber
Garber Consulting Group LLC
24 Dyke Road
Latham, New York 12110
(518) 588-5575 office
(518) 708-6772 fax
melissa@garberconsultinggroup.com

August 15, 2012

Marlene H. Dortch, Secretary Federal Communications Commission Office of the Secretary 445 12th Street SW Washington, DC 20554

Re: Request for Review, CC Docket No. 02-6

<u>Appellant Name:</u> Henry Johnson Charter School, BEN 16033958

<u>Applicant Name:</u> Melissa Garber, Garber Consulting Group LLC

Consultant ID 16062944

Service Provider Name: CoreBTS, Inc., SPIN 143030838

Form 471 Application Number: 788860

Funding Request Numbers: 2134275, 2134279

Decision on USAC Appeal: Denied, dated July 25, 2012

Explanation:

- Your funding requests included an entity that has received Internal Connections
 funding for two out of five funding years starting with Funding Year 2007. These
 FRNs were denied since the entity is not eligible to receive funding for Internal
 Connections in this funding year pursuant to the above rule. On appeal, you did
 not show that USAC's determination was incorrect. Consequently, your appeal is
 denied.
- Your funding request for Internal Connections was denied (or modified) because the entity(ies) associated with it has/have received Internal Connections funding for two out of the last five funding years. Each eligible school or library shall be eligible for support for Internal Connections services, except Basic Maintenance services, no more than twice in every five funding years. For the purpose of determining eligibility, the five-year period begins in any funding year, starting with the Funding Year 2005, in which the school or library receives discounted Internal Connections services other than Basic Maintenance Services. See 47 C.F.R. sec. 54.502(a)(4)(iii).

Letter of Appeal August 15, 2012 Page 2

To whom it may concern:

The purpose of this letter is to appeal the decision of Henry Johnson Charter School's (HJCS) 2011-12 E-Rate application #788860. The program has determined that the school was in violation of the two-in-five rule when requesting Internal Connections funding for the 2011-12 year.

The school applied for Internal Connections funding in 2009 for a minor upgrade to their networking equipment. It was determined after the funding year began that the effort was much larger than they originally planned to upgrade the school's network. The school decided <u>not</u> to pursue the Internal Connections project and to <u>cancel</u> the FRNs so that they would have the opportunity to apply again in a later funding year.

In January 2010 the school's selected Internal Connections and Basic Maintenance provider, CoreBTS, Inc., inadvertedly made an error and invoiced the incorrect FRN for the school's SmartNet maintenance for the 2009-10 funding year. The error was soon discovered and the service provider was contacted. In turn, CoreBTS contacted SLD and promptly returned the funds to the program. Their check was cashed and the funds, as per the Data Retrieval Tool, were reversed back to \$0.00. A Form 500 was promptly submitted and accepted for cancellation of the Internal Connections FRNs. However the two-in-five tool never reflected the update. Despite numerous calls to customer service the information was not updated.

The school decided to re-apply for Internal Connections funding in 2011. Their network is running very slow and they are desperate to upgrade their outdated equipment. Due to the program's delayed decision the school was unable to apply again for Internal Connections funding in 2012. This will have detrimental impacts on the school due to the slowness of their network.

In the following pages you will find nine attachments with supporting documentation of CoreBTS' invoicing error, payment back to SLD, corrected invoice and Form 500 notification letter. We feel that this supports the school's decision to not move forward with their Internal Connections project in the 2009-10 funding year and compliance with the two-in-five rule. We hope that you agree and will reverse the decision which will allow HJCS to move forward with their Internal Connections project as planned.

Sincerely,

Melissa L. Garber

Garber Consulting Group LLC

Melissa & Lorber

Melissa L. Garber
Garber Consulting Group LLC
24 Dyke Road
Latham, New York 12110
(518) 588-5575 office
(518) 708-6772 fax
melissa@garberconsultinggroup.com

July 18, 2012

Letter of Appeal Schools and Libraries Division – Correspondence Unit 30 Lanidex Plaza West PO Box 685 Parsippany, New Jersey 07054-0685

Re: Funding Commitment Decision Letter for Funding Year 2011 Appeal

<u>Appellant Name:</u> Henry Johnson Charter School, BEN 16033958

<u>Applicant Name:</u> Melissa Garber, Garber Consulting Group LLC

Consultant ID 16062944

Service Provider Name: CoreBTS, Inc., SPIN 143030838

Form 471 Application Number: 788860

Funding Request Numbers: 2134275, 2134279

Funding Commitment Decision Letter for Funding Year 2011

The Henry Johnson Charter School has received Internal Connections funding for 2 out the last 5 years. Per Program rules, entities are only able to receive support for Internal Connections in two out of every five funding years. According to our records, this entity has received support for Internal Connections funding requests twice in the last five funding years as is, therefore, ineligible for additional support. Consequently, this FRN is denied.

Attachment #1:

Letter from CoreBTS to SLD in regard to billing invoicing error



March 1, 2010

USAC Schools and Libraries Program PO Box 7026 Lawrence, KS 66044-7026

To Whom It May Concern:

This letter is to inform the SLD that a SPI invoice for FRN # 1798860 was submitted in error by Core BTS (SPIN # 143030838). FRN # 1798860 is for Internal Connections and a SPI invoice in the amount of \$529.82 was submitted against this FRN when it should have been submitted against FRN # 1798835 which is for Basic Maintenance.

Please adjust your records accordingly to have FRN # 1798835 (Basic Maintenance) have a disbursed amount of \$529.82 and FRN # 1798860 to have a disbursed amount of \$0.

Sincerely,

Jaime L. McGowin Corporate Controller

Attachment #2:

Incorrect FRN 1798860 Form 474 submitted by CoreBTS on 01/20/2010

FCC Form 474	Do not write in this space.	Approval by OMB 3060 – 0856						
		Estimated time per response:						
		1.5 hours						
Schools and Libraries Universal Service Service Provider Invoice Form 474								
	This form can be filled online or by mail.							
Please read instructions before		Form 474 Invoice # 1204677						
completing.		(To be inserted by administrator)						
Block 1: Service Provider Info	rmation							
1. Service Provider Name CC	ORE BTS INC							
2a. Service Provider Identifica	ation Number (SPIN) 143030838							
13. Contact Person's Name JA	ATIVIE IVICOOWIN							
4. Contact Telephone Numbe		217 Ext.:						
Contact Fax Number	Contact Fax Number Area Code: 317 Fax Number: 5731663							
Contact Email Address JAIME.MCGOWIN@COREBTS.COM								
5. Invoice Number INV0348	Contact Fax Number Area Code: 317 Fax Number: 5731663 Contact Email Address JAIME.MCGOWIN@COREBTS.COM 5. Invoice Number INV034853							
6. Invoice Date to USAC 01/	20/2010							
7. Total Invoice Amount 529.	82							

Page 1 of 3

FCC Form 474

Service Provider Form Identifier INV034853							
Contact Person JAIME MCGOWIN							
Contact Telephone Number 317-5666217							

Block 2: Funding Request Number Information

8. Form 471 Application Number (from Funding Commitment Decision Letter)	Number (FRN) (from	10. Bill Frequency (e.g., Monthly, Quarterly, Annually, One-time, Other)	Date	Customer or Last Day	(Undiscounted) Amount for Service per FRN (14.2 digits	14. Discount Amount Billed to USAC (14.2 digits max.)
			For each FRN, there should be an entry in Column 11 or Column 12 but NOT BOTH			
657578	1798860	ON DELIVERY		01/11/2010	588.69	529.82

Page 2 of 3

FCC Form 474

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

FCC NOTICE FOR INDIVIDUALS REQUIRED BY THE PRIVACY ACT AND THE PAPERWORK REDUCTION ACT

Part 54 of the Commission's Rules authorizes the FCC to collect the information on this form. Failure to provide all requested information will delay the processing of the application or result in the application being returned without action. Information requested by this form will be available for public inspection. Your response is required to obtain the requested authorization.

The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Act Project (3060-0856), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

Remember – You are not required to respond to a collection of information sponsored by the Federal government, and the government may not conduct or sponsor this collection, unless it displays a currently valid OMB control number or if we fail to provide you with this notice. This collection has been assigned an OMB control number of 3060-0856.

THE FOREGOING NOTICE IS REQUIRED BY THE PRIVACY ACT OF 1974, PUBLIC LAW 93-579, DECEMBER 31, 1974, 5 U.S.C. 552a(e)(3) AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Please submit this form to:

SLD SPI Form 474 P.O. Box 7026 Lawrence, KS 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form (pages 1 - 4) to:

SLD Forms
ATTN: SLD SPI Form 474
3833 Greenway Drive
Lawrence, KS 66046
888-203-8100

Page 3 of 3

FCC Form 474



IMPORTANT

Please record this invoice's information in a secure place for future records

InvoiceID: 1204677 Security Code: 7413

Continue>>

Home | Client Service Bureau: 1-888-203-8100

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Attachment #3:

Actual invoice sent to school on 1/11/2010 showing the SmartNet pricing of \$529.82 using incorrect FRN 1798860.



Remit To:

Core BTS, Inc.
P.O. Box 774419
4419 Solutions Center
Chicago, IL 60677-4044
(317) 566-6200

Bill To:

Henry Johnson Charter School Frank Sheldon 30 Watervliet Avenue Albany NY 12206

Terms:

INVOICE

INVDRP084423

Invoice Number
Payment Terms

Shipping Method

Purchase Order No.

BEST WAY 723AM

30

Salesperson
Invoice Date

1/11/2010 493

Customer ID
Original Order Number

0007364 DRP042981

Ship To:

Henry Johnson Charter School

Frank Sheldon

30 Watervliet Avenue

PO# 493

iTab Project #

Albany NY 12206

				Albany NY 12200		
Qty Ordered	Qty Shipped	Qty B/O	Item Number Serial Number	Item Description	Unit Price	Extended Price
1.00	1.00	0	CON-SNT-1	SMARTNET CONTRACT#90662043 12/25/09 TO 6/30/10	\$588.69	\$588.69
1.00	1.00	0	E-RATE	E-RATE DISCOUNT/FRN# 1798860/FORM 471 # 657578	(\$529.82)	(\$529.82)
		*If for a	ny reason the Schools & Lib	raries does		
		not reim	burse CORE for the discoun	nted amount,		
		Henry J	ohnson Ch School will be res	sponsible to pay		
		to COR	E the amount of \$588.69			
1.00	1.00	0	NOFGHT	NO FREIGHT CHARGE TO CLIENT	\$0.00	\$0.00

Applicant

MUOICE

100

Env034853

Subtotal	\$58.87
Misc	\$0.00
Tax	\$0.00
Freight	\$0.00
Trade Discount	\$0.00
Total	\$58.87



Remit To:

Core BTS, Inc. P.O. Box 774419 **4419 Solutions Center** Chicago, IL 60677-4004 (317) 566-6200

Bill To:

Schools & Libraries Division Loraine Hunsinger

Terms:

INV034853 Invoice Number

Payment Terms

30

Shipping Method

BEST WAY

INVOICE

Sales Rep

Invoice Date

Andrea Moreland 1/20/2010

Purchase Order No.

493

Customer ID

0007153

Original Order Number

iTab Project #

Ship To:

Henry Johnson Charter School

30 Watervliet Ave Albany NY 12206

Qty	Qty	Qty B/O Item Number Serial Number	Item	Unit	Extended
Ordered	Invoiced		Description	Price	Price
1	1	0 CON-SNT-1 0 E-RATE-P	8X5XNBD SMARTNET MAINTENANCE (SNT) E-RATE PROGRAM/FRN#1798860/FORM 471#657578	\$0.00 \$529.82	\$0.00 \$529.82

SLD INVOICE FOR INVDRP084423 DATED 1/11/10

BF

\$529.82 Subtotal \$0.00 Tax \$0.00 Freight \$0.00 Trade Discount \$529.82 Total \$0.00 Deposit \$529.82 Invoice Total

Attachment #4:

Letter dated 3/17/2011 including return payment to SLD for incorrect invoicing for the amount of \$529.82



March 17,2011

USAC Lockbox 105056 1075 Loop Road Atlanta, GA 30337

RE: FRN - 1798860 471 - 657535 BEN - 16033958

The attached payment is in reference to FRN 1798860 for Henry Johnson Central School District and is being refunded to USAC due to an incorrect billing against the wrong FRN. FRN 1798860 is for Internal Connections and the wireless access points referenced have not been delivered. The original invoice should have been billed and approved against FRN 1798835 for Basic Maintenance. Core BTS will be re-invoicing this under the correct FRN 1798835. Henry Johnson CSD will move forward with submitting Form 500 in order to cancel the approval and funding request under FRN 1798860.

Please let me know if you have any questions.

Regards,

Jaime L. McGowin Corporate Controller (317)566-6217

Attachment #5:

Copy of deposited check from Core BTS to SLD dated 3/17/2011

055582

USAC

Universal Service Administration 0095420

3/17/2011

055582

FRN # 1798835

3/1/2010

\$529.82

\$529.82

\$0.00

\$529.82

\$529.82

\$529.82

\$0.00

\$529.82



WELLS FARGO BANK, N.A.

055582

11-24/1210

201 W. 103rd ST., SUITE 240, INDIANAPOLIS, IN 46290

Five Hundred Twenty Nine Dollars and 82 Cents

3/17/2011

\$529.82

PAY TO THE ORDER OF

Universal Service Administratio 1259 Paysphere Circle Chicago, IL 60674

Authorized Signature

#*O55582#* #\$\$2\$000248#\$ 4\$2\$849566#

055582

USAC

Universal Service Administration

3/17/2011

055582

FRN # 1798835

3/1/2010

\$529.82

\$529.82

\$0.00

\$529.82

Attachment #6:

Copy of the corrected form 474 submitted by CoreBTS for the correct BMIC FRN 1798835

FCC Form 474	Do not write in this space.	Approval by OMB 3060 – 0856							
		Estimated time per response: 1.5 hours							
Schools and Libraries Universal Service Service Provider Invoice Form 474 This form can be filled online or by mail.									
Please read instructions before		Form 474 Invoice # 1461787							
completing.		(To be inserted by administrator)							
Block 1: Service Provider Info	rmation								
1. Service Provider Name CC	ORE BTS INC								
2a. Service Provider Identifica	tion Number (SPIN) 143030838								
3. Contact Person's Name JA	IME MCGOWIN								
4. Contact Telephone Number	Area Code: 317 Phone Number: 5666	217 Ext.:							
Contact Fax Number	Contact Fax Number Area Code: 317 Fax Number: 5731663								
Contact Email Address JAIME.MCGOWIN@COREBTS.COM									
5. Invoice Number INV03554	5. Invoice Number INV035544								
6. Invoice Date to USAC 03/2	22/2011								
7. Total Invoice Amount 529.8	32								

Page 1 of 3 FCC Form 474 April 2007

SPIN 143030838

Service Provider Form Identifier INV035544

Contact Person JAIME MCGOWIN

Contact Telephone Number 317-5666217

Block 2: Funding Request Number Information

8. Form 471 Application Number (from Funding Commitment Decision Letter)	Number (FRN) (from	10. Bill Frequency (e.g., Monthly, Quarterly, Annually, One-time, Other)	Date (mm/yyyy)	Date to Customer or Last Day	13. Total (Undiscounted) Amount for Service per FRN (14.2 digits max.)	14. Discount Amount Billed to USAC (14.2 digits max.)
			For each FRN, there should be an entry in Column 11 or Column 12 but NOT BOTH			
657578	1798835	ON DELIVERY		01/19/2010	588.69	529.82

Page 2 of 3 FCC Form 474 April 2007

Persons willfully making false statements on this form can be punished by fine or forfeiture, under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

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The public reporting for this collection of information is estimated to range from 1 to 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the required data, and completing and reviewing the collection of information. If you have any comments on this burden estimate, or how we can improve the collection and reduce the burden it causes you, please write to the Federal Communications Commission, AMD-PERM, Paperwork Reduction Act Project (3060-0856), Washington, DC 20554. We will also accept your comments regarding the Paperwork Reduction Act aspects of this collection via the Internet if you send them to PRA@fcc.gov. PLEASE DO NOT SEND YOUR RESPONSE TO THIS FORM TO THIS ADDRESS.

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AND THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Please submit this form to:

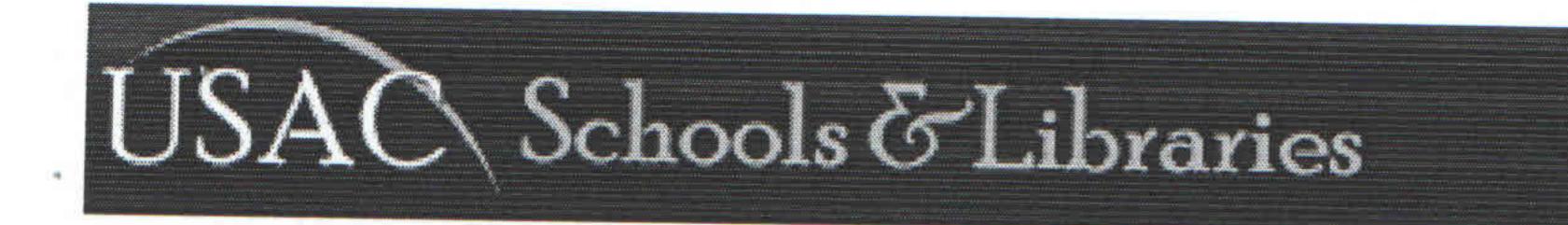
SLD SPI Form 474 P.O. Box 7026 Lawrence, KS 66044-7026

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form (pages 1 - 4) to:

SLD Forms
ATTN: SLD SPI Form 474
3833 Greenway Drive
Lawrence, KS 66046
888-203-8100

Page 3 of 3

FCC Form 474



IMPORTANT

Please record this invoice's information in a secure place for future records

InvoiceID: 1461787 Security Code: 74568

Continue>>

Home | Client Service Bureau: 1-888-203-8100

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Attachment #7:

Updated invoice with correct FRN 1798835



Remit To:

Core BTS, Inc.
P.O. Box 774419
4419 Solutions Center
Chicago, IL 60677-4004
(317) 566-6200

Bill To:

Schools & Libraries Division
Loraine Hunsinger

Terms:

Invesion M. . . . 1

INVOICE

ANDREA MORELAND

INV035544

BEST WAY

3/22/2011

0007153

30

493

Invoice Number

Payment Terms

Shipping Method

ompping wichlou

Sales Rep

Invoice Date

Purchase Order #.
Customer ID

Original Order #

iTab Project #

Ship To:

Henry Johnson Charter School

30 Watervliet Ave Albany NY 12206

Qty Ordered	Qty Invoiced	Qty Item Number B/O Serial Number	Item Description	Unit	Extended
1	1	0 E-RATE-P	E-RATE PROGRAM/FRN#1798835/471#657578	\$529.82	\$529.82

Torrectal in soice

 Subtotal
 \$529.82

 Tax
 \$0.00

 Freight
 \$0.00

 Trade Discount
 \$0.00

 Total
 \$529.82

 Deposit
 \$0.00

 Invoice Total
 \$529.82

Attachment #8:

Print out of Data Retrieval Tool from 3/31/2011 showing that the funds have been reversed on FRN 1798860. Still shows the same result today.

471									
Application			Applicant			Funding	Orig Commitment	Committed	Total Authorized
Number	FRN	BEN	State	SPIN	486 SSD	Year	Request	Amount	Disbursement
657535	1798881	16033958	NY	143030838	7/1/2009	2009	\$190.94	\$190.94	
657535	1798824	16033958	NY	143026172	7/1/2009	2009	\$3,078.00	\$3,078.00	\$3,078.00
657535	1798827	16033958	NY	143026172	7/1/2009	2009	\$3,240.00	\$3,240.00	\$3,240.00
657578	1798860	16033958	NY	143030838	7/1/2009	2009	\$5,460.57	\$5,460.57	\$0.00
657535	1798835	16033958	NY	143030838	7/1/2009	2009	\$1,079.78	\$1,079.78	
657535	1798838	16033958	NY	143031051	7/1/2009	2009	\$22,499.96	\$22,499.96	\$22,499.96
657535	1798842	16033958	NY	143025324	7/1/2009	2009	\$2,160.00	\$2,160.00	\$937.13
657535	1798830	16033958	NY	143001192	7/1/2009	2009	\$1,108.19	\$1,108.19	\$1,108.19

Attachment #9:

Copy of the approved Form 500 Notification Letter confirming cancellation of the FRNs 1798860 and 1798881





FORM 500 NOTIFICATION LETTER (Funding Year 2009: 07/01/2009 - 06/30/2010)

April 21, 2011

MELISSA GARBER HENRY JOHNSON CHARTER SCHOOL C/O PASEK, 7 HUNTS END LANE LOUDONVILLE, NY 12211

Re: Form 500 Application Number: 832744
Applicant's Form 500 Identifier: None entered

We are issuing this Form 500 Notification Letter to notify you that the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has processed your FCC Form 500, Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation Form.

Attached to this letter is a Report summarizing the modifications or changes you requested. An explanation of the data provided in our letter reports is in the "Letter Reports: Field Descriptions" posted in the Reference Area of our website.

Retain this letter for your records. A copy of this information has been provided to the service provider(s) whose Service Provider Identification Number(s) (SPIN) is featured on this Form 500.

DEADLINES:

Recurring services must be delivered during the funding year (between July 1 and June 30). In general, non-recurring services must be delivered between July 1 and September 30 following the close of that Funding Year. The deadline may be extended for delivery and installation of non-recurring services as described in Step 11: Service Delivery Deadlines and Extension Requests on our website.

Invoices must be postmarked no later than 120 days after the last date to receive service or 120 days after the date of the Form 486 Notification Letter, whichever is later. If an invoice is postmarked after the later of those two dates, payment will be denied.

You can request a Service Delivery Deadline Extension or Invoice Deadline Extension from USAC following the guidance posted on our website.

Discuss with your service provider(s) whether you prefer discounts on your bills or reimbursement after paying for services in full. USAC will process either reimbursements based on Form 472 (BEAR) or discounts based on Form 474 (SPI) for a given FRN. Once established, however, the selected process - SPIs or BEARs - must be used consistently for the entire Funding Year.

NOTE: USAC will base the billing mode (reimbursement or discounting) on the first invoice type that it processes for payment. It is therefore imperative for the service provider and the customer to establish together the preferred invoicing mode.

NOTICE ON SERVICE START DATE

The Service Start Date as reflected on this letter may have been changed from what you indicated on the Form 500. The Service Start Date may not be before the Allowable Vendor Selection/ContractDate (AVS/CD) from the Form 470 cited for this FRN on the Form 471. Additionally, applicants cannot use the Form 500 to change the Service Start Date from a Service Start Date that was adjusted on a Form 486. You will know that a change has been made if there is an asterisk (*) next to the Service Start Date Change. It is important

FORM 500 NOTIFICATION LETTER REPORT (Funding Year 2009)

Funding Request Number (FRN): 1798881 Form 471 Application Number: 657535 Service Provider Name: Core BTS, Inc.

Service Provider Identification Number (SPIN): 143030838

Billing Account Number: N/A Cancel FRN: \$0.00; \$0.00

Funding Request Number (FRN): 1798860 Form 471 Application Number: 657578
Service Provider Name: Core BTS, Inc.
Service Provider Identification Number (SPIN): 143030838
Billing Account Number: N/A
Cancel FRN: \$0.00; \$0.00

